



April 15, 2015

Representative Amanda Price
Chair of House Education Committee
124 North Capitol Avenue
P.O. Box 30014
Lansing, MI 48909-7514

Dear Representative Price,

I am writing as a school nutrition professional and as the President of the School Nutrition Association of Michigan to request that you not take action on SB 139. Our association members have several concerns of the bill which will require every school district to allow a minimum of three food-based fundraising events per week. Every day, my colleagues and I feed and care for Michigan's students and this bill, if signed into law, will have detrimental impacts on school nutrition programs across the state.

As a result of the Healthy Hunger Free Kids Act, school nutrition programs have been tasked with leading the charge towards reversing the childhood obesity epidemic in our nation in our state. In Michigan, school nutrition programs have made tremendous progress in providing meals and snacks that are whole grain rich, lower sodium and calorie appropriate for all age groups while expanding program access and the availability of fresh fruits and vegetables to all students. While we understand the concerns of school activity groups and clubs looking for fund raising opportunities, allowing non-Smart Snack compliant foods to be sold and consumed during school hours is counter-intuitive to the tremendous progress we've made in Michigan towards getting kids to choose and consume healthy food in schools.

If this bill were passed, it would also place undue administrative burden on the Michigan Department of Education for managing compliance oversight of schools offering three food fundraisers per week. It will be difficult, at best, to manage the multitude of food fundraisers and there is no plan for enforcement mentioned in the bill. In addition, our association members have significant concerns regarding food safety and student food allergies whenever food is sold outside of the school cafeteria to students, some of which have life-threatening food allergies.



Lastly, school nutrition programs are already facing financial pressures due to increase food and program administration costs as a result of the new federal program standards. Passage of this open-ended bill will apply further pressure and force some schools to run a deficit. You may not be aware that school food programs are prohibited from carrying losses over from one school year to the next. When these programs can't cover their costs, school districts must pick up the tab, to the detriment of *all* students.

Thank you for taking time to consider the true impact of this bill. I would be happy to speak with you to answer any further questions you might have.

Sincerely,

Kristen Hennessey
President, School Nutrition Association of Michigan
Plymouth Canton SD



Smart Snacks: State Agency Fundraising Exemption

As of July 1, 2014, schools that participate in the National School Lunch Program (NSLP) are required to abide by the nutrition standards laid out in the *Interim Final Rule on All Foods Sold In School: Smart Snacks*. These standards focus on all foods sold on the school premises during the school day and are not a part of the NSLP or School Breakfast Program (SBP). This includes additional a la carte entrees, sides, beverages, items sold in vending machines or school stores, and food focused fundraisers. More information on the standards can be on the [USDA Website](http://www.usda.gov).

The Smart Snacks standards allow state governments to develop a policy on the number of exemptions for food fundraisers that do not meet the standards. The chart on the right provides you with the number of exemptions a state will allow, with the below information detailing the entirety of a state's policy including duration and if the number is per building or organization. SNA extends our thanks to the State Agencies that helped provide the information included here.

The information contained within this report is up to date and factual to the best of our knowledge. It will be updated as policies change.

The following 29 states will not have a policy, thus defaulting to zero exempt fundraisers: AL, AK, AZ, CA, CT, DE, HI, IA, KY, LA, ME, MD, MA, MI, MS, MT, NV, NJ, NH, NY, NC, OH, OR, RI, TX, VA, VT, WA, and WV.

Summary of States with Exemption Policies

As of October 28, 2014

Arkansas: Nine school days (selected in advance and placed on school calendar) for all grades when the Arkansas Nutrition Standards do not apply. Information confirmed by State Agency staff.

Colorado: Three exemptions per school building.

Florida: Five exemptions for ES, but 10 days/year/campus for MS, 15 days/year/campus for HS, and 10 days/year/campus for combination schools. Fundraisers cannot take place until one hour after the last meal service, and if any part of the exchange happens on the school campus, it is considered a fundraiser.

Georgia: Thirty per year, per building, not lasting more than three days.

State	Exemptions
Alabama	None
Alaska	None
Arizona	None
Arkansas	Nine
California	None
Colorado	Three
Connecticut	None
Delaware	None
Florida	5ES/10 MS/15HS
Georgia	Thirty
Hawaii	None
Idaho	Ten
Illinois	9 ES/36 HS for SY2014-2015
Indiana	Two
Iowa	None
Kansas	One
Kentucky	None
Louisiana	None
Maine	None
Maryland	None
Massachusetts	None
Michigan	None
Minnesota	Case by Case
Mississippi	None
Missouri	Five
Montana	None
Nebraska	Two
Nevada	None
New Hampshire	None
New Jersey	None
New Mexico	One
New York	None
North Carolina	None
North Dakota	Three
Ohio	None
Oklahoma	30
Oregon	None
Pennsylvania	10HS/5ES,MS
Rhode Island	None
South Carolina	Pending
South Dakota	One
Tennessee	Thirty
Texas	None
Utah	Three
Vermont	None
Virginia	None
Washington	None
West Virginia	None
Wisconsin	Two
Wyoming	Five

State Agency staff will consider additional ones on a case by case basis. Items cannot be sold until 30 minutes after meal time. (Proposed)

Idaho: Ten exempted fundraisers per year, per school site. Each fundraiser must not be longer than four consecutive days. School districts will be able to request approval for additional fundraisers from the state Department of Education.

Illinois: Two-year phased out process that is different at the ES/MS and HS level. For HS, in year one, there are 36 exemption days and nine starting in school year 2015-2016 and beyond. For ES/MS, there are nine in year one and zero starting in school year 2015-2016 and beyond.

Indiana: Two fundraisers per year per building, and they may not last more than one day.

Kansas: Each school group may have one fundraiser per semester, which shall last two days.

Minnesota: LEAs may apply for exemptions over the next few years but aim to phase out completely.

Missouri: Five per year per school building over one day.

Nebraska: Two per organization per semester lasting two days.

New Mexico: One per school, per year.

North Dakota: Three per building lasting one day, per year.

Oklahoma: 30 per school site per semester for a period of 14 days each.

Pennsylvania: Allows 10 for HS, five for ES and MS and can last one week.

South Carolina: As of October, proposed rule to allow 30 per school per year lasting three days.

South Dakota: One per school-sponsored organization per year lasting one day. Non-school sponsored may not hold exempt fundraisers.

Tennessee: 30 per year, per site.

Utah: Three fundraisers per site, per year, which can last no more than five days.

Wisconsin: Two fundraiser exemptions per student organization, per school year.

Wyoming: Five fundraisers per school, which can last up to two weeks.